UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AKIL FOLBORG,

                    Plaintiff,

          -against-

LIEUTENANT BLOT; SERGEANT JOHN
DOE: OFFICER JOHN DOE: ROBERT
BENTIVEGNA: NURSE JANE DOE,

                    Defendants.

ORDER OF SERVICE

No. 24-CV-8913 (PMH)

PHILIP M. HALPERN, United States District Judge:

On January 21, 2025, the Court issued an order, *inter alia*, directing the New York State

Attorney General ("NYAG") to identify the John Doe Correction Officer and John Doe Sergeant

referred to in the complaint as having been present during the subject cell "extraction" as alleged

in the complaint. (Doc. 8). On May 1, 2025, the NYAG filed a letter setting forth the identities and

service addresses of Sergeant Alexander Schmitt and Correction Officer Lewis Boyd, who, based

upon NYAG's investigation, and information received from the New York State Department of

Corrections and Community Supervision ("DOCCS"), are the DOCCS employees who

participated in the cell extraction at Green Haven Correctional Facility on November 9, 2021, as

alleged in Plaintiff's Complaint. (Doc. 14).

Accordingly, the Court deems the complaint amended to substitute defendants "Officer

John Doe" and "Sergeant John Doe" with the newly identified individuals, Sergeant Alexander

Schmitt and Correction Officer Lewis Boyd.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.[1] *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on defendants Sergeant Alexander Schmitt and Correction Officer Lewis Boyd through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for these defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff is reminded that he must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Complaint is deemed amended to defendants "Officer John Doe" and "Sergeant John Doe" with the newly identified individuals, Sergeant Alexander Schmitt and Correction Officer Lewis Boyd.

The Clerk of Court is directed to issue summonses for Defendants Sergeant Alexander Schmitt and Correction Officer Lewis Boyd, complete the USM-285 form with the addresses for

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[1] The time to serve Sergeant Alexander Schmitt and Correction Officer Lewis Boyd is extended until 90 days after the date summonses are issued.

3

these defendants, and deliver all documents necessary to effect service on these defendants to the

U.S. Marshals Service.

The Clerk of Court is further directed to mail Plaintiff an information package.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not

be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge*

v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith

when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: White Plains, New York
          May 2, 2025

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PHILIP M. HALPERN
United States District Judge

3

DEFENDANTS AND SERVICE ADDRESS

1.   Sergeant Alexander Schmitt
       Green Haven Correctional Facility
       594 Rt. 216
       Stormville, NY 12582-0010

2.   Correction Officer Lewis Boyd
       Green Haven Correctional Facility
       594 Rt. 216
       Stormville, NY 12582-0010